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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 MARK C. FAUROT, II

11 Plaintiff,

No. CIV S-05-0341 LKK KJM P

12 vs.

13 TERHUNE, et al.,

14 Defendants.

ORDER

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16 Plaintiff, a state prisoner proceeding in forma pauperis, sought relief pursuant to  
17 42 U.S.C. § 1983. Judgment was entered in this action on November 30, 2006. On December  
18 28, 2006, plaintiff filed a notice of appeal and a motion for leave to proceed in forma pauperis on  
19 appeal.<sup>1</sup>

20 The Federal Rules of Appellate Procedure provide as follows:

21 [A] party who has been permitted to proceed in an action in the  
22 district court in forma pauperis . . . may proceed on appeal in forma  
pauperis without further authorization unless . . . the district court

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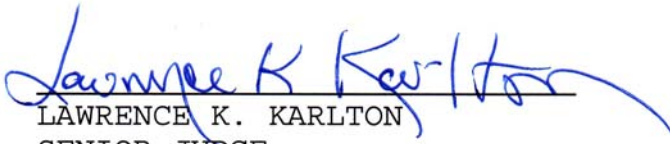
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26 <sup>1</sup> See Houston v. Lack, 487 U.S. 266, 270 (1988) (prisoner files court document when he  
gives it to prison officials for mailing).

1 shall certify that the appeal is not taken in good faith or shall find  
2 that the party is otherwise not entitled so to proceed . . . .

3 Fed. R. App. P. 24(a). On February 13, 2007, the court found that plaintiff's appeal was not  
4 taken in good faith. Accordingly, plaintiff's motion for leave to proceed in forma pauperis on  
5 appeal is denied.

6 In accordance with the above, IT IS HEREBY ORDERED that plaintiff's motion  
7 to proceed in forma pauperis on appeal is denied. See Fed. R. App. P. 24(a).

8 DATED: March 6, 2007.

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11 LAWRENCE K. KARLTON  
12 SENIOR JUDGE  
13 UNITED STATES DISTRICT COURT  
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